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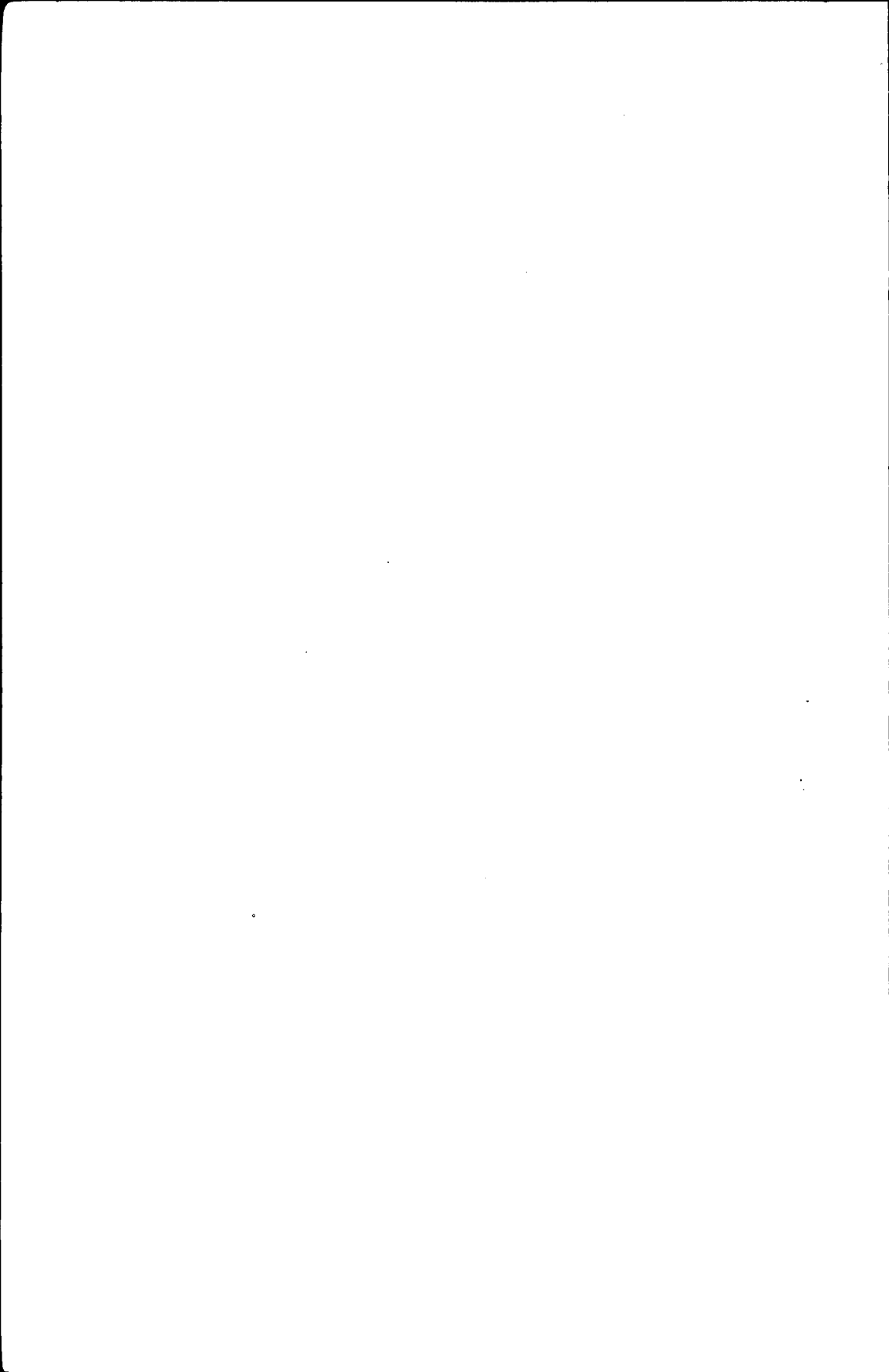
REPORT OF THE

Maryland Commission On

Prison Labor



January, 1937



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REPORT OF THE
Maryland Commission on Prison Labor

Joint Resolution 11—Acts of 1935



Submitted to the General Assembly

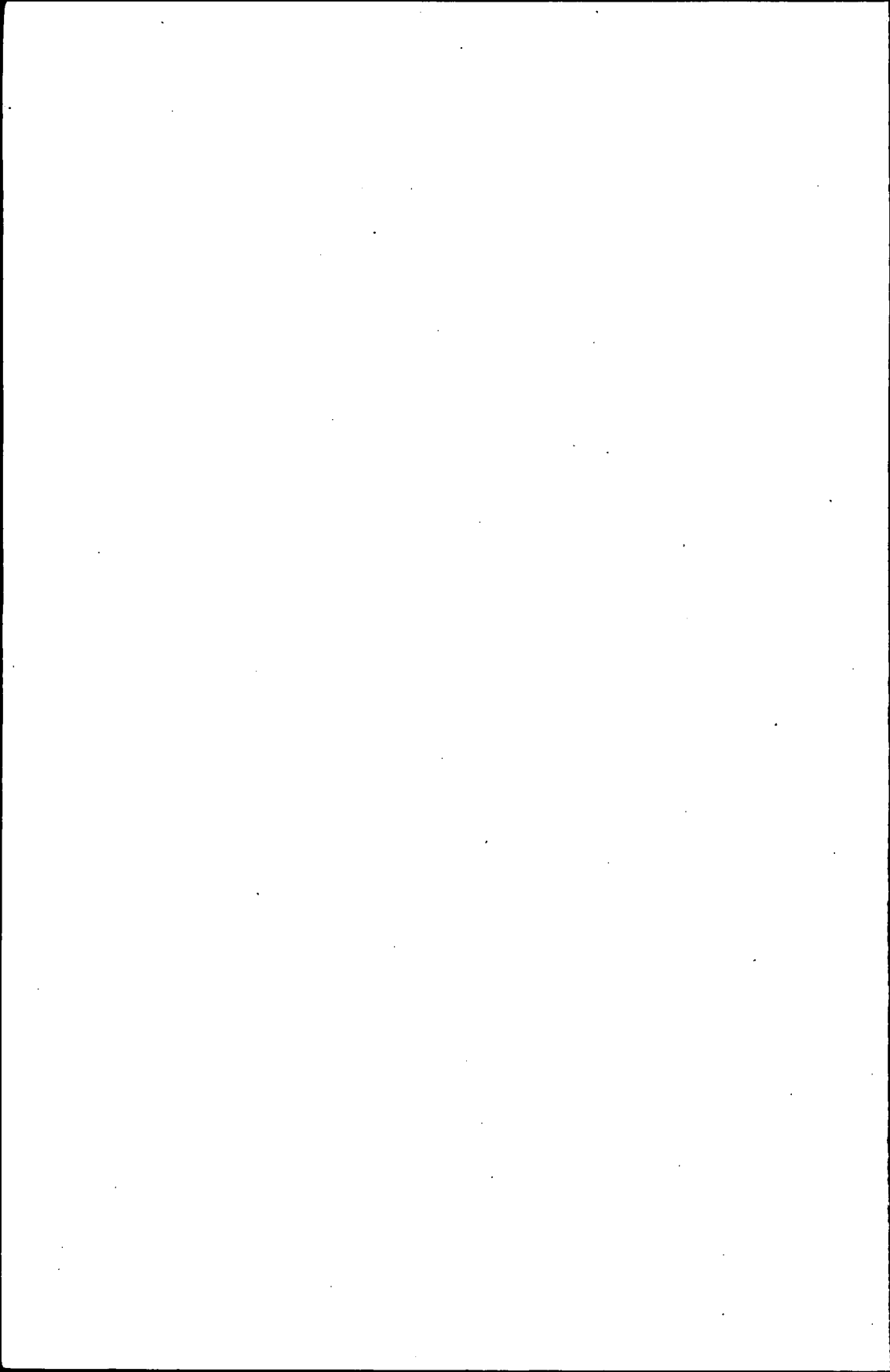
January, 1937

ROBERT E. VINING, *Chairman*

The prisoner should not
only serve his sentence---
the sentence should also
serve him. » » »

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JOINT RESOLUTION 11--ACTS OF 1935

A Joint Resolution for the Appointment of a
Commission to Study the Question
of Prison Labor

WHEREAS, GOVERNOR ALBERT C. RITCHIE, in his message to the General Assembly on January 2, 1935, called attention to the serious problem confronting the people of this State relative to the employment of prisoners, due to legislation prohibiting the sale of prison-made goods; and

WHEREAS, GOVERNOR HARRY W. NICE, in his message to the General Assembly on February 5, 1935, stated that steps must be taken to substitute some adequate State Use System for the present contract system in the employment of able-bodied prisoners; therefore be it

Resolved, BY THE GENERAL ASSEMBLY OF MARYLAND, That a Commission be and it is hereby created, to consist of nine members, three to be appointed by the Speaker of the House of Delegates, three by the President of the Senate, and three by the Governor, to study and investigate the problem of prison labor and, if possible, to recommend ways and means of employing able-bodied prisoners in the penal institutions of this State; and be it further

Resolved, That this Commission be requested to organize promptly and to report as soon as practicable to the General Assembly if in session, and if not in session then to the Governor of this State and to the General Assembly of Maryland at its next session.

Approved May 17, 1935.

MEMBERSHIP OF THE COMMISSION ON PRISON LABOR

Appointed by the Governor

WILLIAM W. GAST, Linthicum Heights

JUDGE JOSEPH N. ULMAN, Baltimore

ROBERT E. VINING, Baltimore

Appointed by President of the Senate

EUGENE B. CASEY, Gaithersburg

MICHAEL J. LANE, North Beach

OLIVER METZEROTT, Hyattsville

Appointed by Speaker of the House of Delegates

DANIEL B. CHAMBERS, JR., Baltimore

STUART S. JANNEY, Baltimore

W. RAYMOND MOODY, Chestertown

LETTER OF TRANSMITTAL

BALTIMORE, MD., December 30, 1936.

To:

HIS EXCELLENCY, THE GOVERNOR OF MARYLAND;

MEMBERS OF THE GENERAL ASSEMBLY OF MARYLAND:

In submitting this report, the Maryland Commission on Prison Labor wishes to emphasize to the utmost, the unity of its recommendations. No one remedy can cure Maryland's prison idleness ills. It is not possible even to state that one of our recommendations is more important than another.

The only effective solution of prison idleness calls for a simultaneous attack on many fronts. Only by the inauguration of a well-rounded, fully integrated program can Maryland hope to solve this pressing problem of prison inactivity.

Overcrowding is one of the first obstacles to be removed. Your Commission believes that many individual cases exist in which oppressive protective bars of steel are proving less effective than would bars of supervised probation or parole. If society can be better protected under the wise use of this more progressive system, then our Maryland prison population is too great.

However, this measure is but part of the cure. Another vital phase is an immediate building program. Regardless of the merit of our specific recommendations, they can not realize fulfillment in our inadequate prison plants. An instance is our lack of proper facilities for the all-important receiving and classification of inmates. Classifying prisoners is a futile gesture unless there are places to assign them when classified.

The people of Maryland are, at present, not only maintaining non-productive penal institutions, but they are supporting inmates in degrading idleness. It is believed that the program set forth in this report will lessen the tax bur-

den created by this situation. Furthermore, prisoners themselves will be able to earn money, not only for the State but for themselves and their dependents. At the present time charity and relief rolls must bear the full burden of support when the heads of families are sentenced by the courts.

No specific recommendation is made for the construction of road camps, soil erosion or reforestation work, because the Board of Welfare already has the statutory authority to develop such public works. These can be developed on a small scale at first without the provision of specific funds ear-marked for the purpose.

Your Commission is gratified to report that the Board of Welfare is in full accord with it, in the view that such outdoor State public works can and should be conducted as part of a rounded plan for the rehabilitation of carefully selected prisoners, and not in substitution for institutional treatment. Conducted with this aim, the system can be developed without objectionable chain-gang features. Your Commission and the Board of Welfare believe firmly that the citizens of Maryland are opposed to the chaining of prisoners, either while engaged in out-door work or in their bunk-houses at night.

This report is not submitted as a finished study, but rather to stimulate thought and aid in shaping policies that will benefit the largest number of citizens of the State of Maryland. It is simple truth to state that idleness among prisoners is degrading and may lead to serious unrest, tending to breed rather than reform criminals. Above all we must not lose sight of the vital need of human salvage and reclamation.

Maryland lags far behind her sister states in her penological facilities and advanced administration. The experience of these states has proven that work is an essential element in any successful prison program.

From the beginning, the membership of your Commission has recognized the extent of the undertaking and the opportunity of performing a valuable and constructive service for the General Assembly and the State of Maryland. It has been encouraged as it forged forward, not alone by the attitude of the citizenry, but by the voluntary and tangible cooperation of outstanding men and women who have performed invaluable

able service in the realization that this problem of prison idleness is one of major concern to the State and its people.

In submitting this report your Commission feels that it is so brief, clear, and direct in its opinions, conclusions, and recommendations, that it demonstrates the necessity for immediate legislative action. Appended are bills drafted after careful statutory research which, if adopted, would serve to carry out the recommendations contained in the report. Your Commission will be pleased to appear before the House and Senate committees to which the bills will be referred when hearings are held upon them.

Your Commission gratefully acknowledges the splendid efforts of the many men and women throughout the State whose contributions have been constructive and highly helpful. It expresses at this time its very real appreciation to the Superintendent of Prisons and his aides, and to the Chairman and the members of the Board of Welfare whose cooperation at all times has been most cordial.

Respectfully submitted,

EUGENE B. CASEY
DANIEL B. CHAMBERS, JR.
WILLIAM W. GAST
STUART S. JANNEY
MICHAEL J. LANE
OLIVER METZEROTT
W. RAYMOND MOODY
JOSEPH N. ULMAN
ROBERT E. VINING, *Chairman*

HISTORICAL SKETCH

Maryland Penitentiary

THE ERECTION OF THIS INSTITUTION in the City of Baltimore was authorized by resolution of the General Assembly at the session of 1804, and the buildings were completed for occupancy, although not in their present form, in 1811.

Prior to the completion of the penitentiary prisoners convicted of serious crimes were generally condemned to labor on the public roads of the County, or to making repairs to or cleaning the streets of Baltimore Town. Upon the completion of the penitentiary they were permitted to petition for commutation of the judgment to confinement in the penitentiary. Pursuant to this, 51 prisoners who had been at work on the roads were transferred to the prison in conformity with the statute.

The State statute at the time of opening the penitentiary particularly provided that persons were to be confined in the institution either at hard labor or in solitude, according to the sentence.

The government of the institution was vested in a Board of Directors.

There was immediately put into effect what we now know as the state-account system. The institution provided raw materials for manufacture into finished products; also tools with which to do the work, and arranged for the sale, for the benefit of the institution, of the products of the prisoners' labor. The expense of keeping the prisoners was paid for out of the money received for the goods manufactured, in so far as possible.

The following industries were adopted at various times during the first thirty years of the penitentiary's existence:

Comb making, brush making, hatting, weaving, stone cutting, shoe making, nail making, bag making, broom making, coopering, wood carving, mattress making, cabinet making, cigar making, furniture making, clothes making, foundry work, making of shirts, overalls, etc.

In the early days weaving was the staple industry. The great bulk of the produce of the looms of the institution was manufactured throughout at the institution. The wool was carded, spun, dyed and woven.

The records show that the system of manufacturing on the state-account plan at the Maryland Penitentiary was not a financial success, and from 1834 on it became gradually superseded by the contract system. The first contract for the hire of prisoners was made in 1834, and shortly thereafter terminated. It was not until 1845 that the contract system gained impetus, and thereafter largely superseded the state-account system.

From 1835 to 1890 prisoners were employed in part on state-account, but the latter half of the time mostly upon contract.

The institution during this period was not self-supporting, in that it received appropriations averaging about \$8,000 a year from the Legislature.

From 1890 the contract system was in full effect, and from that time up to 1917 the system under which the prisoners were employed produced an actual surplus over the entire cost of maintaining the institution.

In that year, 1917, there was a deficit of \$3,183.15, the first in twenty-eight years. The prisoners, however, earned for themselves on account of a more liberal policy, adopted by the Board of Prison Control, the sum of \$51,695.17.

During the period from 1917 to 1928 the contract system was most fully developed. Under that system a contractor would establish a plant at the institution under agreement with respect to rental and power. Prisoners would then be hired to him on a basis as follows:

A certain "task" would be agreed upon between the Warden and the contractor, representing a dollar and a quar-

ter's worth of work. This was required of every prisoner every day. If a prisoner desired to do more than one "task" he could do so, so that many prisoners completed as high as three tasks a day. For the first task the State would receive \$1.25, of which twenty-five cents went to the prisoner. Each subsequent task performed by the prisoner would be for his own account. That is, he would be credited with one dollar for every additional task performed.

Enterprises carried on during this period under the contract system were:

Iron foundry, shoe manufacturing, shirt and overall manufacturing, upholstering, wire working.

Supplementary to this was the state-use system established in 1922, whereby were maintained an automobile tag shop, printing shop and shoe-making shop.

In this manner all of the prisoners of the institution were employed if they were capable of work. They all received a reasonable return for their labor, part of which was taken by the State for their board and keep. The rest was placed to their credit with the Warden.

During this period many prisoners assisted their families on the outside with the money credited to them for their work.

During these twelve years (1917-1928) the prisoners at the Penitentiary received an average of \$132,055.44 a year as a credit, and the State received an average of \$245,635.52 a year.

A large part of the work done at the institution was on sewing machines for the manufacture of shirts and overalls. This was not a very desirable type of work for men, as it was impossible for them to learn a trade in this manner to which they could apply themselves after leaving the institution.

The expansion of the contract system has resulted in the passage of legislation, both national and State, which virtually eliminates it. It was undoubtedly subject to abuse and to too much concentration on one or two industries, thus arousing inevitable opposition.

Maryland House of Correction

The Maryland House of Correction was established in 1874. Its management was first vested in a Board of Managers, but in 1916 was turned over, with the management of the Penitentiary, to the State Board of Prison Control.

The institution is located in Anne Arundel County, and is designed for a population of 1,050 men, and has an adjunct where all women convicts are confined.

It is a medium security institution without a wall, and includes approximately 1,000 acres of tillable land. Up until 1931 from three to five hundred men from this institution were employed on the public roads of the State. As road construction is done by contractors, the men were hired to them, the State receiving \$2.10 a day for each man, if the State furnished the meals and transported them to and from the institution daily, and \$1.60 a day in cases where food and lodging in road camps were taken care of by the contractor. Of course, guarding and the welfare of the men were carefully supervised by officers of the institution.

Forbidden by law to sell on the market perishable products of the farm, nevertheless approximately 150 men are kept employed on farm work. This includes truck gardening, dairy farming and cropping. Enough produce is raised to feed the men at the Penitentiary and the inmates at the House of Correction, and the farm is capable of producing much more produce. Corn, wheat and rye are raised for the use of the stock of the institution. Tobacco has been at times raised for sale.

Within the institution proper the history of the contract system approximates that of the Penitentiary, already stated, and upon the abolishment of this system idleness exists in this institution as at the Penitentiary.

State Penal Farm

Created by Chapter 366 of the Acts of 1931, this represents an attempt to construct on land acquired in Washington County an open system penal institution, which will house as many as a thousand men. The theory of its creation was that its construction should be by prison labor under adequate supervision.

Construction proceeded from 1931 to 1934, when further funds were withdrawn. During the period of construction over two hundred men were employed in this institution in useful outdoor work. Many were learning the trades of carpenter, stone mason, stone cutting, brick laying, plastering, etc.

There are at present about two hundred and fifty men at the institution in temporary barracks, who are employed on the farm, without funds, however, at this time to carry to completion the construction of the institution.

Jails

It would appear that we should not be unmindful of the fact that in Maryland we have twenty-three County Jails and the Jail of Baltimore City where at present conditions are even more deplorable than in the State Penal institutions. There is a growing feeling in this country as evidenced by recent action of the American Prison Congress that the use of the Jail as a place of sentence after conviction is a system which has demonstrated its inadequacy and ineffectiveness and must eventually pass out of existence. Thus in the immediate future all sentences may be made to State Penal institutions which may still further complicate our State problem and call for even more institutions for proper classification and care of misdemeanant cases. This would mean approximately an additional thousand inmates in the State Penal institutions of this State to be cared for under a new order of treatment.

While this Commission is only concerned with the present State problem, mention of this added problem seems important in the making of this report.

FINDINGS AND RECOMMENDATIONS

MARYLAND prison officials are confronted with the distressing fact that more than 2,000 of the 3,000 inmates confined at the Penitentiary, the House of Correction, and the Penal Farm are living in degenerating idleness. This situation was brought about by the passage of Federal legislation, validated by the Supreme Court of the United States, restricting the interstate shipment of prison-made goods.

To complicate this condition at the Penitentiary, on December 30, 1936, 1,177 prisoners were being housed in an institution containing 950 cells, while at the House of Correction, 1,556 prisoners were confined in quarters designed for 1,128. At the Penitentiary 956 were idle and at the House of Correction 1,143 were doing nothing.

At the Penitentiary, these hundreds of men daily go to empty factory buildings and dawdle away their time, or engage in games improvised to effect their amusement. At the House of Correction other hundreds march in useless drill, pace congested cell-block corridors, and sit in their cells in demoralizing inactivity.

It is well at this point again to re-emphasize and reiterate that the citizens of Maryland are at present not only maintaining non-productive penal institutions, but are actually supporting idle convicts. It is believed the program detailed herein will lessen the tax burden thus created. Furthermore, prisoners themselves will be able to earn money, not only for the State, but for themselves and their dependents. Now wives and children are frequently thrown upon charity or relief rolls when the heads of families are sentenced by the courts.

Under such conditions no segregation or classification of prisoners either by age, criminal record, or fitness to perform, and no preparation for release are possible. Weakened by constant idleness and the absence of discipline which comes from systematic work or training, men are returned to the community in worse mental and moral condition than when they

were sentenced. Since the great majority of inmates want to work, their respect for constituted authority has likewise been weakened, while the State faces the constant menace of serious outbreaks. Surely such conditions are a travesty on the justice which they are supposed to represent and a grave danger to the State of Maryland.

To meet this condition, the first work undertaken by your Commission was to review the splendid Survey of the Prison Industries Reorganization Administration entitled, "The Prison Labor Problem in Maryland." On July 28, 1936, a preliminary report based on this review was submitted to the Governor. It recommended further study of various proposals made by the PIRA for legislation and for construction and urged expeditious action on the part of the Governor and the Board of Welfare.

As a result, the Board of Welfare immediately employed a supervisor of industries, an educational director, and a director of classification, and authorized the development of a State-use system which calls for the production of goods for use in State institutions. For example, the Penitentiary is now manufacturing shoes which will be used not only by prisoners but by all the wards of the State.

A State-use system includes :

(1) A small and highly diversified group of industries to supply articles for the use of State institutions, and,

(a) The classification of inmates for proper assignment to such activities and training (to select men for the jobs and not jobs for the men).

The Commission appointed a non-partisan committee of citizens, representing each county, and the City of Baltimore, to advise the people of Maryland of the prison problems confronting us, and in turn to advise the Commission of what the people wish done in the matter.

The Commission visited the State penal institutions and, with the cooperation of the Superintendent of Prisons, the Board of Welfare, and the several institutional heads, produced a motion picture entitled "Idle Hands," depicting prison

conditions in our State. The film has been shown to thousands throughout the State and the facts surrounding the present problem detailed by members of the Commission and the Advisory Committee.

The Commission, in conjunction with the Board of Welfare, secured the cooperation of the Johns Hopkins University in advising on the development of a proper system of classification, and of the Engineers' Club of Baltimore in advising on the development of an industrial program for State-use industries.

The Commission secured the assistance of nationally known prison men as consultants on its general program and has maintained contact throughout with the members of the Federal Prison Industries Reorganization Administration. Members of the Commission have visited prisons and prison camps in several states and conferences have been held in Baltimore, Washington, Trenton, Harrisburg, and Richmond.

The Commission is unanimous in its belief that a proper development of probation and parole will materially reduce overcrowding and idleness, and provide a more economical and satisfactory basis for handling several hundred inmates.

The Commission is convinced, after a most careful evaluation of all facts and a prolonged and judicious investigation, that convict labor may properly be used in road building, and that prison road camps can and should play a part in effecting the return of Maryland's fine road system of yesterday. Prison labor on road construction is, we believe, a sound policy.

As a result of its investigation, the Commission recommends the following:

1. **The enactment of a law establishing a State-use system of prison industries and a revolving fund with which the Board of Welfare may develop such industries and the necessary classification, educational and training program to supplement it.** A suggested Act covering the essentials of such a law are appended to this report.

2. **The enactment of a law or an amendment to Section 683, Article 27 of the Code providing time allowance for**

exceptional industry, skill and application to their duties as an incentive and reward for inmates who show diligence and satisfactory progress in employment at the several penal institutions. A suggested Act covering the essentials of such a law is appended to this report.

3. The authorization of a bond issue of \$2,302,500.00 for prison construction and equipment to be used as follows:

(a) For the completion of the Penal Farm, \$1,200,000.00. This does not include maintenance of prisoners at the Penal Farm.

(b) For the construction of a separate Women's Prison at the House of Correction, entirely distinct from the men's institution, \$250,000.00.

(c) For remodeling the present women's quarters at the House of Correction to provide a receiving and classification unit, \$250,000.00.

(d) For absolutely necessary improvements to the Penitentiary, \$200,000.00.

(e) For industrial equipment for State-use industries at the Penitentiary, House of Correction and Penal Farm and for construction and equipment of road camps, and for a revolving fund to carry on industries, \$402,500.00.

4. The carrying out of the recommendations contained in the report of the Governor's Committee on Parole.

5. The establishment of an adequate prison library service as an aid in vocational and general educational facilities. The budget for this Penal Library Service to be \$4,000.00.

PENAL LIBRARY SERVICE

The Commission believes that the employment of a prison librarian, one selected for his background and education, preparation and experience in this particular and specialized field is highly desirable. Such a man ought to have an adequate salary and should divide his time between the three penal insti-

tutions and the City Jail. It would be the work of the prison librarian to:

(a) Organize and supervise daily book service to the inmates; routine work handled by selected inmates, specifically attempting to encourage purposeful reading;

(b) Arrange an annual or bi-annual public campaign to collect good books;

(c) Select \$600 or \$800 worth of purchased books each for the Penitentiary, also for the House of Correction, and \$300 or \$400 worth of books for the Penal Farm, to supplement the gift books. The purchased books to be largely on vocational subjects and other reference and non-fiction works.

The establishment of Maryland Penal Library Service, in the opinion of the Commission, is far from academic and the Commission has ascertained from the Enoch Pratt Free Library that its officers are ready and willing to cooperate to the fullest extent in assisting to get the service organized in an effective manner at the least cost.

NEW CONSTRUCTION

In considering this need, the Commission has been guided by a few fundamental considerations. This new construction should provide sufficient housing to relieve the existing overcrowded conditions, provide for proper classification and segregation of the prison population, and form a permanent, integral part of the complete institutional system that may be needed in the future. This construction should be carried out at the lowest possible cost to the taxpayers which will provide sound, permanent construction. Since public institutions, particularly prisons, are likely to be used for many decades, it is essential that they be wisely planned and soundly built. On the other hand, the best modern thought tends to view the old-fashioned fortress type of prison, with its high cost and other objectionable features, as wholly unnecessary for a very large proportion of those committed to prison.

With all these considerations in mind, and after careful study of the report of the Federal Prison Industries Reorganization Administration, as well as extensive independent study, the Commission recommends that the construction outlined below be authorized and carried out at the earliest possible moment. So far as this program differs from that proposed by the Prison Industries Reorganization Administration, it has been reconsidered by and has the entire approval of that organization as well as of the Commission. Our recommendations are therefore as follows:

Construction of a separate and independent institution for women, with a capacity of about 200, thus providing accommodations for women serving jail sentences as well as those sent to the House of Correction.

Approximate cost, two hundred and fifty thousand dollars.

Alteration of the present women's quarters at Jessups, or construction of a new unit, to serve as a receiving and classification station for all male prisoners sentenced to terms of six months or more. This should provide individual cells

for about 250 men, so that such prisoners may be thoroughly studied before being sent to the appropriate institution for the service of the remainder of their terms.

Approximate cost, two hundred and fifty thousand dollars.

Completion of the institution already begun at the Roxbury Penal Farm, to house 900 to 1,000 prisoners of the minimum security type.

Approximate cost, one million, two hundred thousand dollars, exclusive of cost of maintenance of inmates.

Necessary reconstruction of the Penitentiary at Baltimore by installation of plumbing and other equipment, and demolition of obsolete shop buildings, and revamping of others.

Approximate cost, two hundred thousand dollars.

Construction of conservation camps and road camps as such work may be authorized and men made available. Satisfactory movable housing for such camps which will meet all requirements of sanitation and physical needs and provide for adequate supervision and restraint can be built for about \$100 per inmate.

These recommendations are of course in tentative form, since it is felt that the development of the actual plans for any such construction is a matter for the State officials and their architectural and engineering advisers to work out.

A CLASSIFICATION SYSTEM

In order that an effective work, rehabilitation, and parole program may be instituted in this State, it is not only desirable but vitally necessary that provisions for an adequate classification system be made.

(1) *Classification system in relation to work program.*

The primary purpose of any work program is to provide occupation for prisoners during their incarceration and also to enable them to contribute toward their own maintenance and the maintenance of their families. While the above features of the work program are of primary importance, and will tend to relieve the tax-burden, certain other considerations should be given equal weight, namely:

(a) A classification program should first point out those occupations which the prison population is most capable of performing and should be a guide to individual placement in the work program.

(b) Such placement should be made not only with regard to the type and length of incarceration of the individual, but also with regard to his ultimate return to society.

(2) *Classification in relation to rehabilitation.*

Work that is designed only to provide activity is likely to cause low morale and not contribute toward the ultimate rehabilitation of the individual, whereas work suited to the specific abilities of the individual has proved most beneficial for the morale of the worker. For the best condition of morale, we might infer that proper placement, where the best that is in an individual can be utilized, is most desirable. Maladjustment to their work has been responsible for the imprisonment of a certain number of men, and unless training of a type suitable to their needs is received in the penal institution we can safely predict that they will be continual repeaters.

(3) *Classification in relation to parole.*

A classification system should provide the necessary facts relative to emotional and personality difficulties, adjustment

to occupational training, and environmental influences that will enable the paroling authority to make a more accurate prediction concerning the future adjustment of the individual in society. A classification system will in no way supplant the functions of the paroling authority, but will provide it with more complete data in guiding its decisions.

Classification systems have been devised by the Federal Government as well as a number of states. It is generally felt that these systems have been of vital importance in dealing with the prison problem.

Each of the various classification systems embody some of the following salient points:

1. Personal and economic data concerning the prisoner.
2. Personal and economic data concerning the prisoner's relatives and immediate family.
3. Data concerning prisoner's adjustment in society.
4. Data concerning prisoner's adjustment in the institution.
5. Physical condition of the individual.
6. Mental status of the individual.
7. Type of security indicated by legal requirements and record of the individual.

While we consider all of these points of utmost significance for a classification system for the State of Maryland there is, however, another aspect of the classification technique which has been neglected and which experienced business men do not ignore. This aspect of the classification system is the selection or fitting of the man to the proper job or occupation. If proper selection is made, it should be followed by suitable vocational training rather than formal education. We, therefore, recommend in addition to obtaining the information cited above, that provision be made for incorporating this important step in the proposed classification system. Even though other states have felt that their systems are workable, industrial conditions in each state vary, and for a system to

be effective in this State it must be evolved to meet local needs and be workable under local conditions.

All classification schemes are only as good as the personnel directing them; consequently the State should provide a well-trained personnel for such a system if the State is to receive maximal benefits from any expenditures that it sees fit to make.

The personnel necessary for the maintenance of such a program depends to a certain extent upon the final institutional set-up of the State. The Board of Welfare, in conjunction with the Superintendent of Prisons and a committee familiar with this work, should be empowered to proceed at such rate as the organization of the work program warrants.

PROBATION AND PAROLE

THE QUESTION of the most effective uses of probation and parole will be mentioned only incidentally in view of the fact that this vital subject has more appropriately been studied by the Governor's Committee on Parole.

However, in view of the fact that the twin problems have a bearing upon convict labor and in view of the further fact that members of the Commission on Prison Labor, in the course of their visits to other states and through the reception of information from prison, probation and parole authorities in Maryland and elsewhere, have absorbed facts along these lines, we feel some suggestions might properly be entered here.

Probation and parole are pertinent to this report, inasmuch as they affect whomever may be inmates of Maryland's penal institutions, and especially since the Penitentiary and House of Correction are not only overcrowded, but we have reason to believe this condition may in the future present a still more serious problem.

A wise exercise of probation to those who, following a careful examination of their cases, are so eligible, will serve not only to relieve this congestion but will lessen the cost of the administration of criminal justice. Moreover, the discretionary use of probationary power may prevent the incarceration of minor and first offenders in the company of hardened or habitual criminals and likewise prevent the degradation of such offenders whose morale might otherwise be improved by just probation. It is recommended that fines be paid in installments, where the violator is unable to pay a lump sum, in order to prevent his incarceration and further overcrowding of the prisons.

There are now approximately 275 parolees in Maryland, or less than ten per cent of the approximate penal population of 3,000. The Parole Commissioner has at his disposal only four officers. Each parolee should be visited once each month during

his parole period in order that he may be properly observed. It is not deemed efficient practice to have more than an average of fifty assigned to one officer. Many more individuals could and should be paroled were some adequate supervisory method employed.

The morale of inmates would be enhanced by their anticipation of release from prison walls upon good behavior. Furthermore, fewer individuals would be returned from the prison itself directly into full citizenship. Greater supervision should also be exercised over these persons and an effort made to find work for them after their release.

At present, five days of each month are deducted from the inmate's sentence for good behavior. An improvement would be made were parole officers authorized to supervise their conduct subsequent to their release for a period equal to the time deducted from their full sentences.

A scientifically devised classification system in the Penitentiary and House of Correction, with small and inexpensive beginnings, would go a long way toward improving the parole situation.

RECOMMENDED LEGISLATION

A BILL ENTITLED

An ACT to repeal and re-enact with amendments Section 676 of Article 27 of Bagby's Annotated Code of Public General Laws of Maryland, (1924 Edition), title, "Crimes and Punishments," Sub-title, "The Department of Welfare," altering and amending the system of prison labor in State Penal and Reformatory Institutions; prohibiting the sale of prison-made, raised or mined goods, wares and merchandise, except to the State of Maryland and its political sub-divisions and to State-aided, owned, controlled or managed public or quasi-public institutions or agencies, with certain exceptions as to perishable vegetables; providing penalties for violations; providing for the establishment and maintenance of a "State-Use System of Prison Labor" with authority to produce for state consuming institutions and to determine standards and prices for such products and compensation to prison inmates; requiring the state, its political sub-divisions and state-aided, owned, managed or controlled public or semi-public institutions (with the exceptions stated therein) to purchase of the Board of Welfare their requirements of all goods, wares, merchandise and farming products that the Board of Welfare can supply with articles and produce manufactured in, produced, mined or raised by the State Penal or Reformatory Institutions, all to be purchased in the manner and on the terms therein provided for, and conferring certain other powers upon the Board of Welfare.

Section 1. Be it enacted by the General Assembly of Maryland, that Section 676 of Article 27 of Bagby's Annotated Code of Maryland, (1924 Edition), title, "Crimes and Punish-

NOTE—New matter is printed in *italics* and old matter in brackets.

ments," sub-title, "The Department of Welfare," be and the same is hereby repealed and re-enacted with amendments so as to read as follows:

676. (1) *No goods, wares or merchandise (whether contained in the original package or otherwise) manufactured, produced or mined wholly or in part by convicts or prisoners in the State of Maryland or elsewhere, (except convicts or prisoners on parole or probation), shall be sold in this State except by, to or for the State of Maryland, its political sub-divisions or a State-aided, owned, controlled or managed public or quasi-public institution or agency and except that perishable vegetables may be sold to canneries as authorized by Article 88A, Sec. 32.*

(2) *Should any person, firm, association or corporation, directly or indirectly violate the provisions of this section the person or persons knowingly participating in such violation shall be punished by a fine of not more than \$500.00 or imprisonment of not more than one year, or both, in the discretion of the Court.*

(3) *The Board of Welfare is hereby authorized and empowered in its discretion to equip as funds become available the penal and reformatory institutions of the State of Maryland under its jurisdiction, hereinafter called "Producing Institutions," with such plants, machinery and necessities as will permit them adequately to supply all goods, wares, merchandise and produce required to be purchased by the needs of the State, its political sub-divisions, and by State-aided, owned, controlled or managed public or quasi-public institutions and agencies, hereinafter called, "Consuming Institutions," as may be feasible, all of which said Consuming Institutions are hereby required to purchase their requirements of the same from the Board of Welfare exclusively except products such as the Board of Welfare shall in writing notify the State Purchasing Bureau cannot be furnished by the penal or reformatory institutions of the State, or such as their perishable nature may render impracticable for such institutions to furnish; provided, however, that this requirement to purchase their said needs of the Board of Welfare shall not apply to the City of Baltimore without the consent of the Mayor and City Council thereof, nor to any State-aided, managed or con-*

trolled public or semi-public institution which does not receive at least fifty percent of the funds for its upkeep (exclusive of receipts from its patrons) from the State of Maryland and/or some political sub-division or sub-divisions thereof.

(4) *The Board of Welfare is hereby authorized and empowered to publish and distribute to the State Purchasing Bureau a schedule of prices for the purchase of all such products, provided that such prices shall not exceed the wholesale market (or equivalent) rates for similar products manufactured, produced or mined elsewhere in the State of Maryland. The Board of Welfare is also authorized and empowered to consult and cooperate with the State Purchasing Bureau and the representatives of such consuming institutions, in establishing certain standards of production, and shall with such Bureau and representatives determine the style, design and quality of the products of the producing institutions. Any difference of opinion on prices, standards, styles, design, and quality of such product or products which may arise between the Board and a representative of such Purchasing Bureau or of any particular consuming institution, agency or sub-division of the State shall be forthwith submitted for immediate arbitration to a representative of the Board, a representative of the Purchasing Bureau and a representative of the State Comptroller or to a representative of the Board of the particular consuming institution or agency or sub-division and of the State Comptroller as the case may be, whose joint determination shall be final and conclusive.*

(5) [The said Board shall establish and maintain a system of labor for prisoners to supersede the present system of contract labor in the Maryland Penitentiary and the Maryland House of Correction, as soon as it shall deem the same expedient and proper; and the Board is hereby vested with all power and authority necessary to that end and to put such system of prison labor when established into operation and effect.] The said Board shall have power and authority: (a) To place prisoners at labor upon State works [wherever] *whenever* in the judgment of said Board the same shall be expedient and proper, upon such terms as to it shall seem wise. The said Board is hereby directed to provide, whenever in its judgment the same may be expedient, such form of labor as will

offer an opportunity to prisoners to earn a surplus over the cost of their maintenance to the State, and said Board shall further provide in its discretion for the payment of any *part of such* surplus so earned, to the prisoner earning the same, or to such person or persons as he may direct.

(b) *To formulate a system of records and accounting which shall at all times indicate the source, nature and extent of its purchases, and the source, nature and extent of its sales.*

(c) *To possess and enjoy all powers and authority necessary for the proper performance of any duty or function by this section devolving upon or required of said Board.*

If any provision, sub-section, or sentence of this Section or the application thereof to any person, corporation or circumstance, be held invalid, the remainder of the Section, and the application of any such provision, sub-section or sentence to other persons, corporations or circumstances shall not be affected thereby.

Section 2. And be it further enacted, That except as otherwise provided herein all existing Acts or parts of Acts, Laws and parts of Laws, Ordinances and parts of Ordinances, inconsistent herewith or contrary hereto, be and they are hereby repealed to the extent of such inconsistency.

Section 3. And be it further enacted, That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the health, morals, safety and welfare and being passed by a yea and nay vote, supported by three-fifths of all the members elected to each of the two houses of the General Assembly, the same shall take effect from the date of its passage.

A BILL ENTITLED

An ACT to repeal and re-enact with amendments Section 683 of Article 27 of Bagby's Annotated Code of Public General Laws of Maryland (1924 Edition), title, "Crimes and Punishments," sub-title, "The Department of Welfare," so as to provide that a prisoner in a State Penal Institution may receive diminution of his period of confinement for exceptional industry, skill and application to his duties in the Industrial, Agricultural or Administrative tasks assigned to him therein in addition to the diminution thereof now granted to him for good behavior during the period of his confinement.

Section 1. Be it enacted by the General Assembly of Maryland that Section 683 of Article 27 of Bagby's Annotated Code of Maryland (1924 Edition), title, "Crimes and Punishments," sub-title "The Department of Welfare" be and the same is hereby repealed and re-enacted with amendments so as to read as follows:

683. Each prisoner in any of said institutions shall be entitled to a diminution of the period of his confinement under the following rules and regulations:

(1) For each calendar month commencing on the first day of the month next after his arrival at the institution, during which he shall not be guilty of a violation of the discipline or any of the rules thereof and shall labor with diligence and fidelity, he shall be allowed a deduction of five days from each month of the period of the commitment or sentence.

(2) *For each calendar month commencing on the first day of the sixth month next after his arrival at the institution, during which under such regulations as shall be established by the Board of Welfare he shall be deemed to have manifested exceptional industry, application and skill in the performance*

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of industrial, agricultural or administrative tasks assigned to him, he may, in the discretion of the Board of Welfare, be allowed an additional deduction of five more days from each month of the period of his commitment or sentence.

(3) For each and every violation of the rules and discipline of the institution, or want of fidelity or care in the performance of work, the person therein confined shall not only forfeit all gained time in the month in which such delinquency occurs, but, according to the aggravated nature or frequency of his offense, the Board may deduct a portion of all his gained time for good conduct under sub-section (1) of this section but the deduction allowed and earned under sub-section (2) hereof shall not be affected thereby.

Section 2. And be it further enacted that this Act shall take effect on June 1st, 1937.

A BILL ENTITLED

An ACT to add a new Section to Article 27 of Bagby's Annotated Code of Public General Laws of Maryland (1924 Edition), title, "Crimes and Punishments," sub-title, "The Department of Welfare," said new section to be known as Section 726A, and to follow immediately after Section 726 of said Article, authorizing the Board of Welfare to accept and apply in its prison programs or in their maintenance such funds as may be offered to it by way of grant or loan from the Federal Government or any Board, Bureau, Commission, Department or other Agency thereof and prescribing the conditions under which said funds may be accepted.

Section 1. Be it enacted by the General Assembly of Maryland that a new Section be and hereby is added to Bagby's Annotated Code of Public General Laws of Maryland (1924 Edition), title "Crimes and Punishments," sub-title "The Department of Welfare," said new Section to be known as Section 726A, to follow immediately after Section 726 of said Article, and to read as follows:

726A. The Board of Welfare is hereby empowered in its discretion to receive from the Federal Government or any Board, Bureau, Commission, Department or other Agency thereof any funds by way of grant or loan that may be offered to be used in the establishment and/or maintenance of the State penal and reformatory institutions under its jurisdiction on such terms as said Board shall approve, provided there be no requirement to apply said funds or any part thereof in contravention of any provision of Maryland law relating to such institutions, and provided further that no such funds shall be accepted by way of loan without the approval of The Board of Public Works first having been obtained and that in no event shall the credit of the State of Maryland or any political sub-division thereof be involved or pledged to secure the return of said loan and that the repayment thereof with the interest, if any, shall only be made out of the accrued net profits

earned in the operation of the State Use System established under Section 676 of this Article when and if any such net profits shall accrue.

Section 2. And be it further enacted, That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public health and safety, and having been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two houses of the General Assembly, the same shall take effect from the date of its passage.

SUMMATION

THE MARYLAND COMMISSION ON PRISON LABOR has sought to approach the various questions which compose the problem referred to it for study, from the viewpoint of the ultimate necessity of reabsorbing criminal offenders into orderly society, an approach which has made necessary a comprehensive consideration of both the punitive and the corrective features of criminal treatment as well as the manner in which offenders are eventually returned to their respective communities.

The ancient goal in the treatment of criminals, both in the monetary compensation to the victim with a fine to the King that has come down to us from the Anglo-Saxon and the Norman periods of England, and in the theory of an eye-for-an-eye and a tooth-for-a-tooth that is our heritage from the Israelites of Caanan, was one of vengeance. Such a goal is at once unworthy and destructive of our own best interests.

While we cannot say, as did the Prince of Peace, "go and sin no more," since the power thus to forgive and redeem is not vested in us, we can and we must find our solution of the problem in an attitude and in methods which have as their immediate objective the good of the social order rather than vengeance against the violator of the law.

When the doors of prison close upon a convict, there tends to arise in our minds a sense of satisfaction and an illusion of finality that all too readily prompts us to write "finis" to the case and to the man, and we are all too prone to forget that it is only a matter of time before that same man will be out again and back in our midst. We completely overlook the fact that about fifty per cent of those who make up the prison population of the United States have been "locked up" at least once before.

The success of the State in dealing with persons apprehended and convicted of crime depends largely upon the nature of the treatment accorded them while in confinement. Irre-

spective of how it is to be accomplished, one thing is certain and positive—the inmates of Maryland's penal institutions must have work. No one with a mentality of a child of seven could long maintain even that degree of intelligence without something constructive to occupy his mind. In the past the answer has been found in contract labor which provided occupation and compensation of some kind to the inmates of the prisons. But this, because of Federal enactments, can no longer be. The only alternatives are those recommended in this report.

It is unfair and unjust that prison labor should compete in open market sales with free labor. It is unfair and unjust that prison made goods should compete with free industry and free enterprise in this manner. Yet, not only for humane considerations, but in the interest of society's own security and economy, the State cannot afford to maintain the inmates of its penal institutions in idleness and to turn them back into a wholly competitive society mentally and physically unfitted for work and for normal living.

State-use will, to a measure at least, provide gainful employment for the inmates, sufficient to pay a small wage and the cost of maintenance. It will further supply the State, State-owned and State-aided institutions, and political sub-divisions of the State with many of their requirements through diversified small industries. It will also make available labor for State public works, expansion of the penal institutions themselves, the building and maintenance of roads, reforestation, soil erosion, and other projects.

The first step in this direction is to utilize the inmates for the tasks to which they are best adapted. Some need major guarding, others minor. Some are weak and sickly, others strong and healthy. Some are skilled, others unskilled. Most are men; some few are women; and these latter should be maintained separately. To determine the proper work and treatment for so divergent a group, a system of classification must be worked out, not only for the good of the inmates themselves but for the good of the State as well.

The good of the State means, of course, the welfare of its citizens. The attention that is apparently so concentrated

upon the good of the inmate has had in the Commission's deliberations, a careful consideration of the interests of the citizens. Today the State is maintaining prisoners in forced idleness at State expense and every citizen pays his share of this in taxes. If the prisoner works, then, he not only lessens the cost of his own maintenance but also builds up his physique and his morale against the day of his release, when he may the more readily and fully adjust himself to an orderly life in a law abiding society.

Selection of penal inmates to perform a task to which they are most adaptable is neither a simple nor a routine matter. Confinement in itself is punishment. The task to be performed while in confinement becomes doubly difficult in having to be part punishment as well as part corrective treatment. The wise imposition of punishment demands a trained and dispassionate judgment, acting upon all the available facts concerning the offense and about the offender as an individual, and bearing in mind both the immediate and the ultimate relationship of that individual to the community. For if an offender, upon release, returns to crime, he is not only an expense but a menace to society.

Every day of sentence must be used constructively to prepare the offender for readjustment upon release. Discipline, system, mental and moral education and hygiene must be administered to him wisely by an **adequate and expert personnel** against the day of his release in order that he may be equipped to stand as a law-abiding citizen when he walks again as a free man.

The prisoner should not only serve his sentence—the sentence should also serve him.

As progress has been made in dealing with crime, enlightened thought has stressed punishment as a means toward the protection of society rather than punishment of the individual as an end in itself. Unless the offender is to be eliminated by death, the nature of the criminal himself is, for the purpose of determining what should be done with him, more important than the crime which he has committed. All discipline, work and education for offenders who are to be released should be meted out with a view to the time when the

man will again be free. We must, all of us, keep ever in mind the ultimate release of Maryland's prisoners, and most emphatically must we keep in mind the release of the youngsters in their 'teens incarcerated in the House of Correction for minor misdemeanors and less serious felonies. The State cannot afford to rear these boys as hardened criminals.

Both overcrowding and idleness in our State penal institutions can be materially relieved, first, by completion of the buildings at the State Penal Farm; second, by a more extensive use of parole with proper facilities for adequate supervision and, third, by the greater use of probation, especially in the counties.

Good parole work is a constructive process of social rehabilitation. Its aim is to help the individual to find a place in the community, where he can respect himself and be respected, earn a living and discharge his responsibilities to those dependent upon him and to the community.

Parole is not effective unless supervision is adequate, and the parole system of Maryland suffers by reason of the fact that the State has never provided sufficiently for its effective administration.

The suggestion of extending parole supervision for some period of time to all prisoners upon release has been favorably advanced. Society and the community do not welcome the released convict. His record and his conviction exclude him from decent and constructive companionships and retard him in finding employment. There should be someone to help and advise him and to sponsor his readjustment. This should not be left to sporadic charity and social service functions. It should be the responsibility of the community as a whole. Properly administered and adequately supervised parole is the instrument whereby it can be accomplished.

The immediate relief of the idleness and congestion now present in our prisons is essential. The buildings at the Penal Farm should be completed. A separate building for women at the House of Correction should be constructed. State-use industries should be inaugurated. The probation and parole systems should be strengthened and made adequate for enlarged responsibilities.

If riot and worse is not to overtake us, we must immediately set up a work program for all the inmates of our penal institutions, provide industries for State-use production and for State public works.

The situation in Maryland's penal institutions is critical and the problem acute. The good of the State and the security of its people demand that it be given immediate and aggressive attention.

